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	First Named Inventor	ANDREWS
	Art Unit	2174
	Examiner Name	I. T. VU
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Ser. No.: 09/868,375

Group Art Unit: 2174

Filing Date: 6/18/2001

Examiner: T. T. Vu

Attorney Docket Number PIIN 17,707

Inventor Name(s): ANDREWS ET AL.

Conf # 8890

Title: INFORMATION PROCESSING DEVICE

Mail Stop Appeal Brief
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APPEAL BRIEF

Sir:

This is an appeal from the final rejection of Claims 23-30.

I. REAL PARTY IN INTEREST

The assignee is US Philips Corporation, a Delaware Corporation. A parent corporation of the assignee is Koninklijke Philips Electronics, N.V., a corporation of the Netherlands.

II. RELATED APPEALS AND INTERFERENCES

Applicant is not aware of any related appeals or in interferences.

III. STATUS OF CLAIMS

Claims 23-27 and 29-30 stand rejected under 35 USC section 103 over US Pat. No. 6,216,141 (Straub) in view of US Pat. No. 5,758,934 (Flutka).

Claim 28 stands rejected over Straub, Flutka and US Pat No. 6,693,652 (Barrus).

The prior rejection under section 101 has been withdrawn by the Examiner.

Claims 2-3 and 17-18 have been cancelled.

Claims 1, 4-16, 19-22, and 31-34 have a withdrawn status.

IV. STATUS OF AMENDMENTS

There were comments, but no amendment under section 116.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The dispute here relates primarily to how words in the claims should be interpreted.

Claim 23 recites a graphical user interface including a screen adapted for use in a horizontal plane. This is illustrated in Fig. 1 see especially page 6, line 14 through page 9, line 4, where a screen is illustrated at 101 in a table 100. The screen is in the plane, not merely surrounded by the plane, but in the plane. The graphical user interface includes display elements. The display elements include at least one personal selection zone (102, 103, 104). The personal selection zones are disposed within a strip to be displayed around a periphery of a screen. There is also a presentation zone 108 for presenting information selected at the personal selection zone.

Claim 24 recites that the personal selection zone is a flow zone 102 comprising a moving list of links 103. More information about how the flow zone works in the preferred embodiment is to be found in the specification, e.g. at page 6, line 22 through page 7, line 11.

Claim 25 recites that the display elements comprise at least one flow control element 104 adjacent to each flow zone. More information about flow control in the preferred embodiment is to be found in the specification, e.g. at page 6, line 26 through page 7, line 7.

Claim 27 depends from claim 26, 24 & 23, and recites that the control zones comprise

- an agent zone 105 for selecting filtering agents for filtering contents of the flow zone 102;
- a mode zone 107 for altering a format of other zones; and
- an annotation zone 115 for annotating information in the presentation zone.

More information about the preferred embodiment for these zones may be found in the specification, e.g. at the bottom of page 7 and top of page 8.

Claim 28 depends from claim 23. Claim 28 recites that claim 23 further comprises at least one token zone 110. The token zone is for displaying personal links. The personal links may be dragged to other zones to affect what is displayed in the other zones. More information about the preferred embodiment of the token zone is to be found in the specification, e.g. at page 8, lines 6-17.

Claim 29 depends on claim 28 and further recites that the token zone is in the form of a carousel. The preferred embodiment is discussed in the specification, e.g. at page 8, lines 11-14. It is to be noted that the term carousel is used in the specification in a very conventional way to mean a roundish thing that rotates or can be rotated.

Claim 30 recites a table comprising the user interface of claim 23. The table is adapted for a respective user to sit adjacent to each personal selection zone. This is shown at Fig. 1 of the application and discussed in the spec at various places including page 6, lines 14-21.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The art rejections are all to be reviewed on appeal.

VII. THE ARGUMENT

Claim 23

Claim 23 recites that the screen is for use "in a horizontal plane."

The Examiner cites Flutka for this limitation. Flutka shows a screen which is in a nearly vertical position surrounded by a three-dimensional desk that has a horizontal top surface. The Examiner believes that this screen is "in a horizontal plane." This is simply not correct English usage. In the language of mathematics, a plane is a two dimensional construct. Points cannot be in a plane unless they are in that construct. Being surrounded by a three dimensional object that has a horizontal surface is not the same as being "in a plane." Applicant has made a submission of a portion of a high school geometry text book, pursuant to 37 CFR 41.33(d)(1), demonstrating correct usage of this mathematical language.¹

Moreover, Phillips v. AWH Corp. 415 F.3d 1303; 2005 U.S. App. LEXIS 13954; 75 U.S.P.Q.2D (BNA) 1321, (Fed. Cir. July 12, 2005, decided, as amended July 14, 2005) looks to the specification and drawing of the application as the primary source of meaning for disputed terms. Here, the application shows that the screen itself is horizontal, being part of the table top.

¹ Applicants do not yet know whether the request has been granted, so the submission is included provisionally herein as an appendix. Since the pages are from a published book, Applicants respectfully submit that the Board can take judicial notice of them in any case.

Applicants accordingly respectfully submit that the Examiner misconstrues the Flutka reference and the claim language. The Flutka screen cannot be fairly stated to be adapted for use in a horizontal plane.

Claim 23 further recites a personal selection zone around a periphery of a screen. Such a placement has a particular functional advantage in a horizontal screen, because the periphery is more readily accessible to the user of the horizontal screen.

The Examiner cites Straub for this limitation. While Straub shows a menu strip along one side of a vertical screen at 144, Applicants respectfully submit that this fails to teach or suggest the claim limitation, because in the vertical context the strip fails to have the functional advantage that it would have in the horizontal context.

Accordingly, Applicants respectfully submit that the combination of these references is an improper hindsight reconstruction in light of Applicants' disclosure, especially since they are both deficient in lacking a recitation of a screen adapted for use in a horizontal plane.

Claim 24

Claim 24 recites that a flow zone with a moving list of links. In other words, the links are flowing.

Against this recitation the Examiner cites Straub, fig. 5 and col. 8, lines 53-56 and lines 60-67. Applicants have reviewed these sections and the figure elements cited. Applicants do not find therein any teaching or suggestion of a moving list of links. The text says that the channels are displayed automatically. This does not mean that any list of links is moving. As far as Applicants can tell, the channels displayed do not flow; but are, instead, stationary awaiting scrolling in response to user selection of a scroll buttons 162 and 164.

Applicants respectfully submit that the Examiner has failed to make a *prima facie* case against claim 24.

Claim 25

This claim recites a flow control element, in other words an element for controlling the flow.

Against this recitation, the Examiner recites the scrolling buttons 162 and 164 in Fig. 5 of Straub, along with col. 9, lines 5-8 and lines 24-32.

The latter selection by the Examiner does not make sense. Lines 24-32 relate to fast forward, pause and reverse of the presentation element 140, not to controlling flow in the channel selection display area 144. The Examiner needs to make up his mind as to whether he is reading the flow zone as allegedly being in area 140 or else in area 144 of the reference.

As to the scroll buttons 162 and 164, which the Examiner cites, they relate to the channel selection area 140, not to area 144. The control area for zone 140 is not shown, per col. 9, lines 24-25.

There is also a subtle distinction here between a scroll button, which can move a stationary display and a flow control element. In the context of the specification, see again the Philips case cited above, flow control relates to controlling a flowing display – particularly, in the preferred embodiment, the flow of the control zone. Applicants accordingly respectfully submit that the “flow control” claim language of claim 25 cannot be properly read on the scroll buttons of Straub.

Applicants accordingly respectfully submit that the Examiner has failed to present a *prima facie* case against claim 25.

Claim 27

Applicants respectfully submit that the rejection here fails to satisfy 37 CFR 1.104 (c)(ii). The Examiner reads one of three different zones on a drawing element, namely the annotation zone on element 198, but fails to indicate where the other two zones allegedly appear in the reference.

With respect to the annotation zone, the Examiner cites Fig. 7, element 198 and col. 9, lines 18-23, col. 10, lines 5-15 and lines 32-48. The section in column 9 does not seem to relate to figure 7 at all, so it is not clear what the Examiner is getting at here. The Examiner then cites column 10, lines 5-15 which relate to figure 17, not 7. Then the Examiner cites col. 10, lines 32-48, which do at least relate to element 198 of figure 7. However, this section and element 198 appear to relate to choosing what is to be displayed on the screen from amongst options provided, not to annotating what is on the screen. The specification explains, e.g. at page 8, lines 18-28, that annotation is just what one would conventionally understand annotation to be. Tools such as keyboard, pen or voice can be used to add annotations to provided content. Accordingly, Applicants respectfully submit that the Examiner has failed to prove even that the reference teaches or suggests an annotation zone.

With respect to the other zones, mode & agent, Applicants are unable to determine what the Examiner thinks is a mode zone or an agent zone in the reference. Perhaps the Examiner is reading all three recited zones on the single element 198 in the reference? If so, Applicants respectfully submit that this is improper.

In an attempt to better explain the meaning of an agent, Applicants submitted a definition of the term that was found on the Internet. A copy of that definition is included here in the

evidence appendix. An agent is a program in background gathering information. A channel guide is in the foreground. Applicants respectfully submit that a channel guide fails to teach or suggest a filtering agent.

Applicants accordingly respectfully submit that the Examiner has failed to present a *prima facie* case against claim 27.

Claim 28

This claim recites a token zone. The token zone is for displaying personal links.

The Examiner alleges that the zone 144 is the token zone in Straub. However this is the same zone that the Examiner cites for the flow zone. Applicants respectfully submit that it is improper for the Examiner to cite the same element of the reference against two separate elements of the claims.

The Examiner reads the "personal links" recitation on elements 152 and 154 of the reference. These elements are not even displayed in the zone 144, which the Examiner says is the token zone, contrary to the claim recitation. Moreover, the text of the reference, at least at col. 8, line 34 et seq. does not appear to teach or suggest that elements 152 and 154 are even links. The entire teaser is said to be a link, but not the individual portions of the picture.

Moreover, elements 152 and 154 are already in the presentation zone 140. It is not clear how they could affect what is displayed in other zones as required by the recitations of claim 28.

The Examiner cites Barrus 6,693,652, Fig. 15 and col. 25, line 55 through col. 26, line 6 for dragging links to alter a display. The Barrus reference is a large reference and this is an obscure part at the end. It is not clear how one of ordinary skill in the art would find this section of Barrus and apply it to the teachings of the other references. Applicants respectfully submit

that the only way the Examiner found Barrus was by a keyword search on Applicants claims, not because of the teachings or suggestions of the other references. Applicants respectfully submit that this is an impermissible hindsight reconstruction using Applicants' claims as a roadmap, which has been ruled improper, please see *In re Lee*, 277 F. 3d. 1338, 61 U.S.P.Q. 2d (BNA) 1430 (Fed. Cir. 2002) and *Ruiz v. A. B. Chance Co.*, <http://www.ll.georgetown.edu/federal/judicial/fed/opinions/03opinions/03-1333.html> at p. 7, 357 F. 3d 1270, 2004 US App. Lexis 1325, 69 U.S.P.Q. 2d (BNA) 1686 (Fed. Cir 2004).

Applicants accordingly respectfully submit that the Examiner has failed to present a *prima facie* case against claim 28.

Claim 29

The rejection of claim 29 is confusing. It appears to be mis-numbered as claim 28 on page 4 of the office action. However, if that is a rejection of claim 29, then why isn't it also rejected over Barrus, as claim 28 is lower down on the page, since claim 29 depends on claim 28? Applicants accordingly respectfully submit that the rejection of this claim fails to satisfy 37 CFR 1.104.

The Examiner further states that Straub shows a carousel at Fig. 5, zone 144, col. 8, lines 39-43 and lines 58-63. Zone 144 is the portion of the display that the Examiner says is the personal selection zone. How can it also be the token zone? Moreover, the zone 144 is in the form of a strip, not a carousel. Applicants have reviewed the sections cited here and find no indication that the icons in the strip are rotatable the way a carousel is.

Applicants accordingly respectfully submit that the Examiner has failed to present a *prima facie* case against claim 29.

Claim 30

Claim 30 recites a table adapted for a respective user to sit adjacent to each personal selection zone.

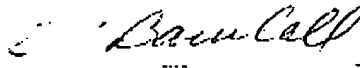
In the Straub reference, the zone 144 referred to by the Examiner is arranged vertically along the right side of the screen. In the Flutka reference, there is a keyboard and part of a desk between the user and the screen. If the vertical strip of Straub were hypothetically to be displayed on the screen of Flutka, Applicants do not understand how a user could sit adjacent to it. The long part of the desk would interfere with the user's ability to even see the screen from that side.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 30.

VIII. CONCLUSION

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Respectfully submitted,

By 
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September 19, 2005

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CLAIMS APPENDIX

- 1 1. (withdrawn) Device for user selectably presenting information comprising
- 2 • flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to
- 3 respective information units,
- 4 • flow control means (203) comprising user operable point-and-select means (204) for
- 5 selecting a location within the flow zone, the flow control means being arranged to stop the
- 6 flow in response to the user statically selecting a location within the flow zone, and
- 7 • information selection means (202) for presenting a selected information unit in response to a
- 8 user selecting a link in the flow zone.

2-3. (canceled)

- 1 4. (withdrawn) A device as defined in claim 1, the flow control means (203) being
- 2 arranged to increase the flow speed in response to the user selecting a location and dragging said
- 3 location in the flow direction.

- 1 5. (withdrawn) A device as defined in claim 4, the flow control (203) means being
- 2 arranged to reverse the flow direction in response to the user selecting a location and dragging
- 3 said location against the flow direction.

- 1 6. (withdrawn) Device for user selectably presenting information comprising
- 2 • flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to
- 3 respective information units, the flow zone means (201) being arranged to alternately display

- 4 links (103) and flow control areas (104), the selection of a location for controlling the flow
5 being restricted to said flow control areas, and
6 • information selection means (202) for presenting a selected information unit in response to a
7 user selecting a link in the flow zone.

- 1 7. (withdrawn) Device for user selectably presenting information comprising
2 • flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to
3 respective information units, and
4 • information selection means (202) for presenting a selected information unit in response to a
5 user selecting a link in the flow zone,
6 the device being further arranged to display a selected information unit in a presentation zone
7 (106), the information selection means (202) being arranged to select the information unit in
8 response to the user selecting a link of the flow zone (102) and dragging it to the presentation
9 zone.

- 1 8. (withdrawn) A device as defined in claim 7, the device further comprising filtering
2 means (206) comprising user selectable filters (105) for controlling the flow zone (102) to
3 display only links to information units which meet a requirement imposed by a selected filter.

- 1 9. (withdrawn) Device for user selectably presenting information comprising
2 • flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to
3 respective information units, and

- 4 • information selection means (202) for presenting a selected information unit in response to a
5 user selecting a link in the flow zone,
6 the device further comprising filtering means (206) comprising user selectable filters (105) for
7 controlling the flow zone (102) to display only links to information units which meet a
8 requirement imposed by a selected filter, the filtering means (206) being arranged to adapt the
9 selected filter so as to display links to information units similar to the selected information unit.

- 1 10. (withdrawn) A device as defined in claim 9, the device further comprising user-link
2 means (207) for maintaining a plurality of preferred user-links and displaying said user-links in a
3 further zone (110).

11. (withdrawn) A device as defined in claim 10, the device further comprising means
(208, 113) for communicating with a user supplied data carrier for storing and/or retrieving said
user-links.

- 1 12. (withdrawn) Device for user selectably presenting information comprising
2 • flow zone means (201) for displaying a flow zone (102) comprising flowing links (103) to
3 respective information units, and
4 • information selection means (202) for presenting a selected information unit in response to a
5 user selecting a link in the flow zone,
6 wherein the frequency of display of an information unit in the flow zone is determined by its age
7 and/or popularity.

13. (withdrawn) A table comprising a device as defined in claim 1, 6, 7, 9 or 12.

1 14. (withdrawn) A device as defined in claim 12, the flow control means (203) being arranged to
2 control the flow of at least a subset of the flowing links in accordance with a relocation of the
3 device, said subset of the flowing links being anchored to a specific location.

15. (withdrawn) A device as defined in claim 14, said device being a portable device.

16. (withdrawn) A system for user selectably presenting information, comprising devices as
defined in claim 14, and a data carrier for transporting user-links between said devices.

17-18. (cancelled)

1 19. (withdrawn) A graphical user interface for use with a data processing device, comprising:
2 • a screen adapted for use in a horizontal plane;
3 • means for effecting the following operations:
4 • detecting a user indication of a user position at a periphery of the screen; and
5 • rotating at least a portion of display elements on the screen to an orientation which
6 appears upright at the user position.

20. (withdrawn) The interface of claim 19, wherein the operations include translating the portion to a display position close to the user position.
21. (withdrawn) The interface of claim 19, wherein the screen is touch sensitive and the user hand motion is against the screen.
22. (withdrawn) A table comprising the interface of claim 19 and suitable for users to sit around at the periphery of the screen.

23. (previously presented) A graphical user interface for use with a data processing device, comprising:
- a screen adapted for use in a horizontal plane;
 - a plurality of display elements for displaying on the screen, the elements comprising:
 - at least one personal selection zone, disposed within a strip to be displayed around a periphery of the screen; and
 - a presentation zone for presenting information selected at the personal selection zone.

24. (previously presented) The interface of claim 23, wherein the personal selection zone is a flow zone comprising a moving list of links.

1 25. (previously presented) The interface of claim 24, wherein the display elements further
2 comprise at least one flow control element, a respective flow control element being disposed
3 adjacent to each flow zone.

26. (previously presented) The interface of claim 24, further comprising a plurality of control
zones disposed together for effecting control of other display elements.

1 27. (previously presented) The interface of claim 26, wherein the control zones comprise
2 • an agent zone for selecting filtering agents for filtering contents of the flow zone;
3 • a mode zone for altering a format of other zones; and
4 • an annotation zone for annotating information in the presentation zone.

1 28. (previously presented) The interface of claim 23 further comprising at least one token zone
2 for displaying personal links, wherein the personal links may be dragged to other zones to
3 affect what is displayed in the other zones.

29. (previously presented) The interface of claim 28, wherein the token zone is in the form of a
carousel.

30. (previously presented) A table comprising the user interface of claim 23 and adapted for a
respective user to sit adjacent to each personal selection zone.

- 1 31. (withdrawn) A medium realizing an embodiment of code for effecting the following
2 operations in a data processing device:
3 • displaying a flow zone comprising flowing links to respective information units;
4 • displaying a presentation area;
5 • receiving a user selection of a link in the flow, the user selection being in the form of
6 dragging the link to the presentation area;
7 • presenting a selected information unit in the presentation zone, in response to a the selection
8 of the link in presentation zone.

32. (withdrawn) The device of claim 7, wherein the presentation zone is adapted to change
orientation in response to a user dragging a display element toward a user desired position.

- 1 33. (withdrawn) The device of claim 32, wherein the flow and presentations zones are
2 displayed in a horizontal plane and the dragging causes the presentation zone to turn to be
3 visible at a position at which a user is sitting at a periphery of the display.

- 1 34. (withdrawn) A table comprising a horizontal display screen, the screen comprising:
2 • at least one first peripheral section adapted to be placed adjacent to control personnel;
3 • at least one second peripheral section adapted to be placed adjacent to users; and
4 • a plurality of display elements, the display elements comprising:

- 5 • at least one control element for use by the control personnel and located near the first
- 6 peripheral section; and
- 7 • at least one user element for use by user personnel and located near the second peripheral
- 8 section.

EVIDENCE APPENDIX

Copies of evidence per 41.37 (c)(1)(ix)

1. Definition of "agent" submitted with rule 116 amendment

www.pcwebopedia.com/TERM/a/agent.html last modified April 15, 2004.

2. Moise & Downs, Geometry (Addison-Wesley 1967) pp. 56-57 which was the subject of a request under 37 CFR 41.33 (d)(1). Since this part of published book, Appellants respectfully request that the board take official notice of it, in any case.

What is agent? - A Word Definition From the Webopedia Computer Dictionary

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(n.) A program that performs some information gathering or processing task in the background. Typically, an agent is given a very small and well-defined task.

Although the theory behind agents has been around for some time, agents have become more prominent with the growth of the Internet. Many companies now sell software that enables you to configure an agent to

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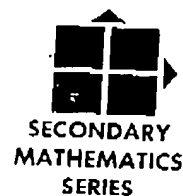
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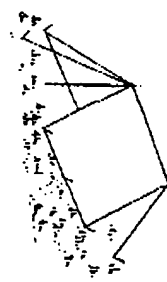
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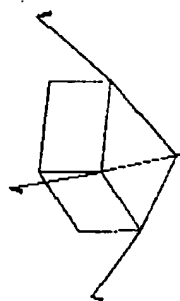
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See 17701 on page 180 p.25

6. In this sketch of a pup tent, what line segments must you imagine in order to complete the outline of the tent? What is the intersection of the planes that contain the two sides of the tent?



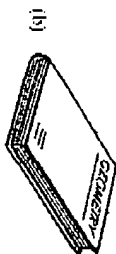
7. The tent in this sketch has a square floor. What line segments will complete the outline of the tent?



8. Hold two pencils together by their sharpened ends between your thumb and forefinger. If the pencils represent two intersecting lines, how many planes will contain both these lines?

9. Which sketch do you consider to be a more meaningful picture of a book? How would you have to hold a book so that it would appear as in sketch (a)? as in sketch (b)?

(a) **GEOMETRY** (b)



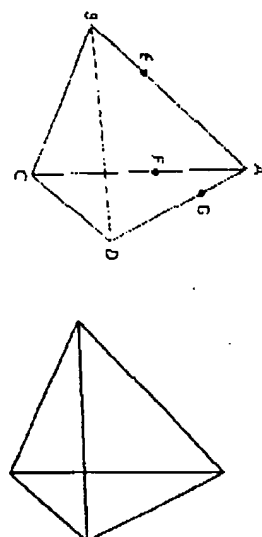
10. A board 8 ft long is marked at its middle, that is, 4 ft from either end. A man carefully saws the board at the mark, yet neither resulting half is 4 ft long. Moreover, the combined lengths of the two half-pieces does not equal the original length of the whole board. How can you explain this?

3-2. LINES, PLANES, AND PICTURES

The figure on the left (p. 57) is a picture of a triangular pyramid. The segments \overline{AB} , \overline{AC} , \overline{AD} , \overline{BC} , \overline{BD} , and \overline{CD} are called its *edges*. Note that the edge \overline{BD} is dashed, because you couldn't see it if the pyramid were solid. If the figure had been drawn as shown on the right, it would look like a set of points lying in a plane.

The points A , E , B , C , and F all lie in a single plane, namely, the plane that contains the upper front face of the pyramid. Such a set of points is called *coplanar*. Of course, the points A , B , C , and D are not coplanar.

The points A , E , and B all lie on a single line, namely, the line \overleftrightarrow{AB} . Such a set of points is called *collinear*. Of course, the points A , B ,



and C do not form a collinear set. Similarly, A , E , and C form a collinear set, but A , F , and G do not.

We now repeat these statements more formally.

Definition

A set of points is *collinear* if there is a line which contains all the points of the set.

Definition

A set of points is *coplanar* if there is a plane which contains all points of the set.

[Query: In the figure on the left above, the points E , F , and G are not in any one face of the pyramid. Does it follow that E , F , and G are not coplanar?]

To do geometry under the scheme described in Chapter 1, we need postulates that convey the real meanings of our undefined terms: *point*, *line*, and *plane*. For lines, we have already done this. The Ruler Postulate is a good description of what lines look like when you view them one at a time. We have also said that any two points determine a line, when we stated Postulate 4 on p. 41.

POSTULATE 4. The Line Postulate

For every two points there is exactly one line that contains both points.

We now wish to write postulates that will describe planes and space. Our first step is a postulate which says that figures of the kind that we pictured at the beginning of this section really do occur in our geometry.

POSTULATE 5

(a) Every plane contains at least three noncollinear points.

(b) Space contains at least four noncoplanar points.